

HOUSE BILL 792

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01r0961
CF 01r3065

By: **Delegates Lee, Barkley, Boteler, Cane, Frick, Glenn, Heller, Howard, Kach, Kipke, Montgomery, Pendergrass, Shewell, and Stocksdale**
Introduced and read first time: February 9, 2010
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Restitution – Expansion**

3 FOR the purpose of authorizing a court to enter a judgment of restitution if, as a direct
4 result of a certain act, the victim suffered certain actual or threatened harm,
5 other financial expenses or losses, loss of certain earnings, benefits, or support,
6 or incurred certain rehabilitation expenses; authorizing a court to enter a
7 judgment of restitution if the victim incurred medical expenses, including
8 mental health expenses; providing that a judgment of restitution does not
9 preclude a certain property owner or victim who suffered certain losses, or
10 received a certain award or other amount, from bringing a civil action; altering
11 the definition of a certain term; and generally relating to criminal restitution.

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Procedure
14 Section 11–601(j) and 11–603
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2009 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Criminal Procedure**

20 11–601.

21 (j) “Victim” means:

22 (1) a person who suffers death, personal injury, [or] property damage
23 or loss, **OR ACTUAL OR THREATENED PHYSICAL, EMOTIONAL, OR FINANCIAL**
24 **HARM** as a direct result of a crime or delinquent act; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2) if the person is deceased, the personal representative of the estate
2 of the person.

3 11-603.

4 (a) A court may enter a judgment of restitution that orders a defendant or
5 child respondent to make restitution in addition to any other penalty for the
6 commission of a crime or delinquent act, if:

7 (1) as a direct result of the crime or delinquent act, property of the
8 victim was stolen, damaged, destroyed, converted, or unlawfully obtained, or its value
9 substantially decreased **OR THE VICTIM SUFFERED OTHER FINANCIAL EXPENSES**
10 **OR LOSSES;**

11 (2) as a direct result of the crime or delinquent act, the victim
12 suffered:

13 (i) actual medical, dental, hospital, counseling, funeral, or
14 burial expenses or losses;

15 (ii) direct out-of-pocket loss;

16 (iii) loss of earnings, **BENEFITS, OR SUPPORT;** or

17 (iv) expenses incurred with rehabilitation;

18 (3) the victim incurred medical expenses, **INCLUDING MENTAL**
19 **HEALTH EXPENSES,** that were paid by the Department of Health and Mental
20 Hygiene or any other governmental unit;

21 (4) a governmental unit incurred expenses in removing, towing,
22 transporting, preserving, storing, selling, or destroying an abandoned vehicle as
23 defined in § 25-201 of the Transportation Article;

24 (5) the Criminal Injuries Compensation Board paid benefits to a
25 victim; or

26 (6) the Department of Health and Mental Hygiene or other
27 governmental unit paid expenses incurred under Subtitle 1, Part II of this title.

28 (b) A victim is presumed to have a right to restitution under subsection (a) of
29 this section if:

30 (1) the victim or the State requests restitution; and

1 (2) the court is presented with competent evidence of any item listed
2 in subsection (a) of this section.

3 (c) (1) A judgment of restitution does not preclude the property owner or
4 the victim who suffered personal physical or mental injury, out-of-pocket loss of
5 earnings, **BENEFITS**, or support, **OR WHO RECEIVED AN AWARD OR OTHER**
6 **AMOUNT UNDER SUBSECTION (A) OF THIS SECTION**, from bringing a civil action to
7 recover damages from the restitution obligor.

8 (2) A civil verdict shall be reduced by the amount paid under the
9 criminal judgment of restitution.

10 (d) In making a disposition on a finding that a child at least 13 years old has
11 committed an act of graffiti under § 6-301(d) of the Criminal Law Article, the court
12 shall order the child to perform community service or pay restitution or both.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2010.